

REMARKS:

Examiners Amiri and Stodola are thanked for the courtesy of a telephone interview on December 8, 2005. During the interview, prior art of record including U.S. Patent Nos. 6,402,415 to Eberle, III, 6,385,929 to Englehart, and 4,557,219 to Edwards were discussed. Proposed amendments to claim 1 were also discussed, as well as the addition of a new claim directed to a combination deck board fastening device and plurality of deck boards.

Applicants have amended claim 1 as discussed during the interview. It was agreed that none of the art of record discloses or suggests a deck board fastener having a planar top plate portion including first and second planar flanges joined together along respective longitudinal edges, at least one bottom tab extending downwardly from a bottom surface of the top plate, and first and second resilient compression elements extending outwardly from opposite ends of the top plate, wherein each of the compression elements has opposed sides compressible together.

Applicant has amended claim 1 as suggested by Examiner Stodola. Claim 10 has also been amended in light of the interview discussions. In light of the amendments herein, as well as the arguments presented during the interview, Applicant submits that all rejections of claims 1 and 10 have been overcome.

Claims 3 and 6-9 have been withdrawn as directed to a non-elected species. However, should the Examiner find that amended claim 1 is generic (as indicated during the telephone interview), Applicant requests that these claims be added back into the application as pending and reconsidered.

With respect to the election requirement between Inventions I and II (as defined by the Examiner), Applicant hereby confirms his election of Invention I, or claims 1-10. Claims 11-15 have been canceled.

Applicant has added new independent claim 16, which is directed to a combination deck board fastening device and plurality of deck boards. New claim 16 includes all of the limitations discussed during the interview for amended claim 1. As such, Applicant submits that claim 16 also defines over all art of record. Applicant has also added new claims 17-20, all of which depend from new independent claim 16.

Therefore, Applicant submits that all claims are now in condition for allowance, and respectfully requests same. Applicant submits a request for an Extension of Time for one (1) month, along with the requisite fee. It is believed that no other fees are due with the submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', with a stylized, sweeping flourish extending to the right.

William C. Schrot

Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Ste. 240
Bethesda, Maryland 20817
(301) 896-0600